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Race Relations Reporter, 7 September 1971

Race Relations Information Center

Federal registrars are important for two major reasons: first, they cut short many attempts at harrassment and intimidation of black registrants; and second, they can register voters until 45 days before an election. Mississippi has a 120 day requirement, one of the longest in the nation, and has thereby disenfranchised a great many of its 18-year-old voters. The constitutional amendment lowering the voting age to 18 was passed only two days before Mississippi's July 2, 1971 cut-off.

Black leaders, such as Aaron Henry, Evers and the Congressional Black Caucus, have asked repeatedly that federal registrars be assigned to every Mississippi county where unapproved re-registration has taken place. Evers said that he had sent over 10 letters and telegrams to that effect to the attorney general, and has not even received acknowledgement, much less action, on his requests. It is only within the past two weeks that federal registrars have been sent to Mississippi, and now they are operating in only three counties, far short of the number civil rights activists feel they should be in.

The registrars were sent to Humphreys, Madison and Tallahatchie Counties by CSC on Aug. 23, and judging by their performance, in Tallahatchie County, they are a mixed blessing. The federal registrars in Charleston, Tallahatchie County's seat, and the home of powerful Congressman Jamie Whitten, set up shop in the campaign headquarters of recently defeated gubernatorial hopeful, Charles L. Sullivan. Sullivan is a "moderate" according to some white Mississippians, but among blacks, he is considered a staunch segregationist. It was difficult to find the sign advertising the registration place in the midst of "Sullivan for Governor" signs in the window. CSC regulations encouraging the use of radio, television and newspapers to advertise the registration place were not being followed.

Under these circumstances, it comes as no surprise that not a single citizen registered in Tallahatchie County during the first five days the registrars were on duty.

Gerald W. Jones, chief of the voting section of the civil rights division of the Justice Department, is aware of the criticisms directed against his department. In a recent interview, he seemed testy and on the defensive, refusing to go into any specifics about the division's performance this year. His defensiveness was explained by a congressional aide who said:

"Gerry's a good guy. He's just like all the other young guys in his division, shell-shocked because of the lack of enforcement. They want to do the right thing, but their superiors won't let them."

This feeling was echoed by George Taylor, who said he had a good working relationship with lower-echelon Justice Department lawyers. He too feels that the alleged lack of voting rights enforcement is due to political decisions at the top on the part of officials more concerned with the "Southern Strategy" than with enforcing the law.

But Jones did say that the Justice Department was keeping a close eye on developments in Mississippi, and that it was possible that federal registrars might be sent to other counties, "should we make the determination that they're needed."

Such words from one of the highest ranking black officials in the Justice Department may be reassuring to some of Mississippi's citizens. But to others, who wonder with Evers and Henry and Conyers if the administration's efforts are coming too late with too little behind them, Jones's assurances have little meaning.

They see the Sept. 18 deadline for federal registrars fast approaching (that is 45 days before the Nov. 2, election), signalling the last possible opportunity for blacks to build their political strength. They see 150,000 blacks unregistered, because they had to work so hard getting those already registered back on the books. And it leaves a bitter taste in their mouths.

They feel that they have fought the good fight, and won the right to register and vote. They now see that right—bought and paid for with young lives—threatened by inaction on the part of those charged with protecting that right.

Race Relations
REPORTER

A newsletter published by Race Relations Information Center, Nashville, Tennessee

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Black candidates imperiled

Over 250 black candidates are running for political office in Mississippi's November elections. The black candidacies were made possible by the Voting Rights Act of 1965, under which black registration in the state leaped from less than 20,000 in 1964 to about 275,000 in 1970. But the black candidacies are imperiled, black leaders and civil rights activists say, because the U. S. Department of Justice has been doing a less than enthusiastic job of enforcing the Voting Rights Act.

Blacks cite these three instances of Justice Department inaction: permitting counties to require voters to re-register without obtaining prior clearance, as is required by the act; failing to oppose the so-called "open primary law," which was clearly aimed at the gubernatorial campaign of the black candidate, Charles Evers; and failure to oppose re-districting plans, which discriminate against black candidates. For an examination of the charges, and the response of a Justice Department official, see Jack White's article inside this issue. * * *

Unprecedented Indian unity

On August 26, leaders from 11 of the country's largest and most influential Indian organizations--in a display of unanimity unprecedented in the history of the organizations--sent a letter to President Nixon informing him that, "at this point, the confidence that Indian people have placed in your administration is shaken...".

The leaders said recent events within the Bureau of Indian Affairs have sparked fears among their people that the President has no intention of implementing the new Indian policy he enunciated on July 8, 1970--a policy strongly supported by tribal leaders and Indian activists.

"We believed you," the letter said, "when you told us about a new era of Indian SELF-DETERMINATION... But we ask how your pledge to decisively break with the past and create 'conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions' squares with the following events:

Inside This Issue

"--The appointment of a new Secretary of the Interior (Rogers Morton) who let it be known that he was not entirely in agreement with your new policy and practically dismissed it as political rhetoric;

"--Recent appointments within the Department (of Interior) which have been made without any consultation or discussion with Indian tribes or organizations. These include the appointment of Miss Wilma Victor, a long-time bureaucrat and a person very much identified with past Bureau policies, and the appointment of Mr. John Crow, another old-line bureaucrat who was removed from the same position of deputy commissioner several years ago for being non-progressive. [See Race Relations Reporter, Vol. II, No. 15: Aug. 16].

"--Regression of the Bureau into old patterns of paternalism and stagnation as evidenced by the removal of Leon F. Cook (an Indian) as Acting Director of Economic Development and replacing him with William Freeman, a non-Indian..."

The letter also listed three other specific grievances--all of which have come to a head since Rogers Morton, the newly appointed Secretary of the Interior appointed Miss Victor as his special assistant for Indian affairs. Miss Victor engineered in July the appointment of Crow, who has angered Indian leaders by several specific policy moves.

Perhaps the most significant in the eyes of the signers of the letter to President Nixon was Crow's attempt to transfer William Veeder, a BIA lawyer and expert on Indian water rights, to the agency's Phoenix office. Veeder has refused to go, leaving the next move up to Crow, and many Indians fear that Veeder may be fired. Veeder is regarded by the Indians who sent the letter as "one individual who symbolizes the government's commitment to live up to its trust responsibilities" in the area of Indian water and land rights.

Signing the letter were leaders from the National Congress of American Indians (the oldest and largest Indian organization in the country, founded in 1944), the Alaska Federation of Natives (representing 70,000 people), the All-Indian Pueblo Council, the inter-tribal councils from Arizona, California and Nevada, the Minnesota Chippewa Tribes, the Navajo Tribe (which is the nation's largest tribe with 130,000 members), the Small Tribes of Western Washington, and the newly formed Tribal Chairman's Association (which had been previously viewed as a rival, rather than an ally, of the National Congress of American Indians).

The Indian leaders requested that Nixon meet immediately with them in order to hear their grievances and act on them. At press time, there had been no official response from the White House, and Nixon was not scheduled to return to Washington until after the September 1 or 2 meeting dates proposed by the Indians. Inside this issue of Race Relations Reporter, RRIC staff writer Fry Gaillard concludes his two-part series on the controversy surrounding the BIA's Intermountain school. * * *

'Sweetback': For and against

"Sweet Sweetback's Baadasssss Song," a black-produced and black-directed film about a black freak show stud who turns militant, fights the white establishment, and wins (or at least, escapes), has sparked considerable controversy among black people. Supporters of the picture say that despite its flaws, it is an important work on black rebellion. Black Panther Party defense minister Huey Newton even has suggested (in the June 19 issue of Black Panther) that every black see and study "Sweetback" for lessons on revolution.

But black critics contend that the movie is trashy, degrading to black women, negative, and counter-revolutionary. In the September issue of Ebony magazine, noted black writer-historian Lerone Bennett Jr. calls it "a trivial and tasteless negative classic." He argues, "Instead of giving us new images of black rebels, it carries us back to antiquated white stereotypes, subtly and invidiously identified with black reality. Instead of carrying us forward to the new frontier of collective action, it drags us back to the pre-Watts days of isolated individual acts of resistance, conceived in confusion and executed in panic."

The Kumba Workshop in Chicago, a black artists' group, is seeking a nationwide black anti-Sweetback movement. Founder-director Mrs. Val Gray Ward said Kumba's aim is "to fight not only the further exhibition of 'Sweetback,' but the future production and distribution among blacks of other films like it."

In Seattle, where he was honored as grand marshal of a Black Community Festival parade, producer Melvin Van Peebles commented, "I think the extreme attacks and extreme acceptance of 'Sweetback' show that it touched a sensitive point.... We have to look back at 'Sweetback' in, say, four or five years. I think you'll find people will see it from a more balanced viewpoint." He explained further, "What I'm trying to do in my first films is to give a mirror of ourselves and try to make us aware of ourselves." (Seattle Times: August 23) * * *

Black science students

The National Black Science Students Organization--consisting of black students in medical and pre-medical programs, as well as architectural and engineering students--will hold its third annual conference in New York City Oct. 21-24. Paul B. Simms, a board member of the organization, said that speakers expected to address the group include Louis Farrakhan, New York minister of the Nation of Islam, and Alyce B. Gullattee, a Howard University psychiatrist. One of the themes of the convention will be population control methods, some of which are widely viewed in the black community as genocidal.

Another activity that is expected to take place will be the training of the delegates in testing for sickle-cell anemia, a frequently fatal disease that affects mostly blacks. Simms said the Foundation for Research and Testing of Sickle Cell Disease would perform the training. For further information, contact the NBSSO at City College of New York, 133 Street and Convent Avenue, New York, N. Y. 10031. * * *

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Busing Decisions Provide Leeway

By Robert F. Campbell

When the U. S. Supreme Court issued its long-awaited ruling last April 20 in the Charlotte-Mecklenburg County, N. C., school desegregation case, many lawyers and schoolmen noted that it failed to establish specific guidelines for a unitary school system. They said the decision left the lower courts considerable leeway in reviewing plans for assignment of pupils, transportation and school construction. This, they added, was not unusual.

Since the Charlotte-Mecklenburg decision *(Swann v. Board of Education)*, federal judges have applied its principles in cases involving 40 or more school districts, mostly in the South but including a few in the North. Although most of the decisions ordered more desegregation, usually with additional busing of students, the variance among the judges reflected uncertainty as to what the Supreme Court required.

For example, District Judge Oren R. Lewis, ruling in an Arlington, Va., case, said the high court has not yet determined "the permissible scope [of busing] . . . or that it must be equally shared between the races." In Atlanta, District Judges Sidney O. Smith and Albert Henderson Jr. declared the city school system unitary as of January 1, 1972, and concluded that to impose mass busing to create racial balance would unquestionably precipitate an exodus of whites that would leave Atlanta an all-black city. To help prevent this eventuality, they suggested the consolidation of the Atlanta and Fulton County schools.

Judge Robert R. Merhige Jr. went two steps further than the Georgia judges in handling the Richmond, Va., case. First, he ordered the city to bus 20,500 of its 48,500 students—7,000 more than last year. And to stem the flight of whites from the city schools he opened hearings on a plan to require the consolidation of Richmond schools with those of adjoining Henrico and Chesterfield counties. The Richmond system is already two-thirds black. (*Race Relations Reporter,* Vol. 2, No. 6, April 5, 1971.)

In a Hopewell, Va., case, Merhige commented: "No longer may contiguous geographic zone lines drawn in good faith without racial motive, or even without the intent to promote desegregation, suffice to fulfill the affirmative duty to desegregate."

Judge L. C. Morton, a recent appointee to the federal bench, took a similarly restricted view of his obligation in a case involving the Nashville, Tenn., school system. He approved, in substance, a Department of Health, Education and Welfare plan requiring the busing of 51,000 children this fall—15,000 more than last year. A request for a stay of Morton's ruling was denied by the Sixth Circuit Court of Appeals.

In another case, Morton declined to give school authorities in the city of Franklin, Tenn., time to add a fourth elementary school building to the three-school system before desegregating. "The court would prefer to grant the delay," said Morton, but it "does not have this discretion."

On the other hand, Judge Robert M. McRae in the neighboring western district of Tennessee, seemed to be making haste more slowly. Ruling in a Memphis city school case, he said investigation and consideration "of the various methods of desegregation" will take more time than is available before the commencement of the 1971-72 school year. He ordered the equal educational opportunities division of the U. S. Office of Education to help the Memphis Board of Education draw a plan to take effect in 1972.

Judge J. Robert Elliott, ruling on a case involving Muscogee County, Ga., said "the three R's that we have long been familiar with have been replaced by the one big R—race. Integration has taken the place of education." He then ordered a 70-30 white to black ratio in faculty and student body.

The Chief Justice of the United States, Warren E. Burger, did little to clear up the uncertainty when he said he found "disturbing" one school board's apparent understanding that the *Swann* decision required a fixed "racial balance" in the city's individual schools. But Burger refused to block the plan adopted this year by the Winston-Salem/Forsyth County, N. C., school board and approved by the district and circuit courts.

At least two cases outside the South attracted the attention of lawyers.

In San Francisco, Judge Stanley A. Weigel—relying on the Supreme Court decision in *Swann*—ordered the city's 48,000 elementary pupils placed in racially balanced schools this fall, with the remaining junior and senior high schools desegregated within five years. The parents of Chinese-American children were among those objecting to the breakup of racially identifiable schools, and the school board appealed to higher courts. Associate Justice William O. Douglas of the U. S. Supreme Court refused to stay the district court order.

In Pontiac, Mich., the court of appeals affirmed a district court order issued 14 months earlier requiring pairing and busing to make the student body in each school 20-40 per cent Negro and 80-60 per cent white. Ten school buses were dynamited in Pontiac and authorities said the schools would open on schedule Sept. 7.

Among other cases:

NORFOLK, Va.—Judge John A. McKenzie stayed his own order calling for additional busing because President Nixon's wage-price freeze prevented the city-owned bus company from raising fares. The higher fares were needed to enable the company to buy enough buses to implement the original court order.

The Supreme Court's long-awaited ruling last April on school desegregation busing provided considerable leeway for district courts considering school cases. Bob Campbell, executive director of RRIC, surveys the subsequent rulings to determine how federal judges have applied the principles outlined in the Supreme Court's ruling. "The variance among the judges reflected uncertainty as to what the Supreme Court required," Campbell reports.

PETERSBURG, Va.—Judge Merhige ordered a plan drafted by black plaintiffs requiring the busing of 2,000 children. About 900 pupils were bused last year. The 9,000-pupil system is two-thirds black.

PORTSMOUTH, Va.—Judge Walter E. Hoffman approved a plan that will necessitate the busing of 11,400 pupils.

ISLE OF WIGHT COUNTY, Va.—Judge Hoffman rejected a request for changing attendance zones in the school system, which is 65 per cent black. "There are just not enough whites to go around," he said.

LYNCHBURG, Va.—Judge Merhige ordered the closing of one elementary school and the pairing of eight others. About 2,000 children will be bused.

ROANOKE, Va.—A new court order required the busing of elementary children this year.

CHATTANOOGA, Tenn.—Judge Frank Wilson ordered a minimum plan of high school busing this fall, rejecting a more drastic program on the grounds that the school system cannot buy the buses. The school board has appealed the order but is implementing the plan.

SHELBY COUNTY, Tenn.—Judge Bailey Brown ordered a clustering plan involving a moderate amount of busing. The Sixth Circuit Court of Appeals earlier had directed Brown to approve a more effective plan than one drawn by the school board, which he had previously approved.

ARLINGTON, Va.—Judge Oren R. Lewis said he could find nothing unconstitutional in a school board plan to desegregate the county's elementary school system by busing black students out of two neighborhood schools to 28 other grade schools located throughout the county.

AUSTIN, Tex.—District Judge Jack B. Roberts rejected the HEW plan that called for extensive busing to integrate each school in accordance with the city's overall population: 65 per cent Anglo, 20 per cent Mexican-American, 15 per cent Negro. He adopted a school board plan that calls for preserving neighborhood schools while busing elementary classes 25-32 per cent of the time for "intercultural learning." President Nixon disavowed the HEW plan, but approved a Justice Department appeal of Roberts' ruling.

DALLAS, Tex.—District Judge William M. Taylor Jr. ordered the reassignment of more than one-third of the city's high school students, leaving no secondary school more than 90 per cent black and only one junior high more than 90 per cent white. He left intact the neighborhood elementary school system, but provided for television interchanges between black and white elementary classrooms. A few days after his order, he stayed a major portion of the reassignment ruling calling for clustering or pairing of certain schools in South Dallas. The stay will remain in effect until Jan. 10.

CORPUS CHRISTI, Tex.—Supreme Court Justice Hugo L. Black granted a stay of a district court order requiring pairing and pupil reassignment so that each school will have a substantial number of blacks, Spanish-Americans and whites and "no school at any level will be ethnically identifiable." Black said the case "presents questions not heretofore passed on by the full court [of appeals], but which should be."

JACKSON, Miss.—Parties to a desegregation suit agreed on a plan, subsequently approved by federal district court, calling for transportation of 9,000 of the city's 19,000 elementary pupils and for two integrated educational centers for fifth- and sixth-grade students.

JEFFERSON PARISH, La.—Judge Herbert Christenberry ordered a plan providing that 3,000 children (90 per cent of whom are black) will be provided transportation for the first time. The average bus ride will be seven miles, the longest 14 miles.

CALHOUN COUNTY, Ala.—After an earlier plan had been overruled by the Fifth Circuit Court of Appeals, a federal court ordered the pairing of schools in Oxford and the all-black town of Hobson City. Gov. George C. Wallace told the school board to ignore the order.

MOBILE, Ala.—A court-approved busing plan requires schools to approach a 65-35 white-black ratio. About 47,500 students will be affected by the plan, but many schools will remain predominantly black and four will be all-black.

MACON, Ga.—U. S. District Judge W. A. Bootle ruled the city schools "legally desegregated" in that "all racial barriers have been removed." He rejected further changes in enrollments that would require busing.

DUVAL COUNTY (Jacksonville), Fla.—Judge Gerald B. Tjoflat ordered the busing of 12,000 pupils, in addition to 5,200 who were bused as a result of clustering and pairing plans last year. However, the court authorized a delay in fully implementing the plan until new buses could be obtained.

PALM BEACH, COUNTY, Fla.—District Judge Joe Eaton ruled that a school board plan was bizarre but constitutional and ordered it implemented this year. It calls for busing an additional 7,000 students, with some of them riding as far as 16 miles one way.

BROWARD COUNTY (Fort Lauderdale), Fla.—A district court order required the integration of all but 15 predominantly white schools. No majority-black schools will remain.

PINELLAS COUNTY (St. Petersburg), Fla.—A plan calling for racial balance among elementary schools, with a five per cent variance, has been approved by the federal court and will be implemented this fall. Junior and senior high schools had been previously balanced racially.

HILLSBOROUGH COUNTY (Tampa), Fla.—Under a plan approved by the federal district court, elementary and junior high schools will be balanced at a 79-21 ratio and high schools at an 85-15 white-black ratio.

CHARLOTTE-MECKLENBURG COUNTY, N. C.—Judge James B. McMillan rejected a plan submitted by the board of education and ordered desegregation of schools whose enrollments were predominantly black last year. Student bodies are to be near a 70-30 white-black ratio and no school is to have a majority black enrollment.

WINSTON-SALEM/FORSYTH COUNTY, N. C.—District Judge Eugene A. Gordon approved a desegregation plan providing for cross-busing about 16,000 additional students and reorganizing the grade structure of the

school system. In all, 39,000 of the city's 44,000 pupils are riding buses this year.

RALEIGH, N. C.—A federal court ordered Raleigh's city schools to achieve an approximate 70-30 white-black balance. The city, which has done very little busing in the past, borrowed 104 used school buses from the state to carry out the order. Parents contended that the old buses were unsafe.

ORANGEBURG, S. C.—District Judge Charles E. Simons Jr. approved a plan providing for an integrated system, with black children in each school outnumbering the white pupils. It calls for pairing of junior and senior high schools and clustering of elementary schools.

Indian Youths Sue BIA School

By Frye Gaillard

On Aug. 24, 1967, a Bureau of Indian Affairs decree was issued requiring appropriate officials to report to their superiors any "physical mistreatment of children in bureau schools," civil rights violations, or "dereliction of duty which affects children under the care of the bureau." The purpose of the decree was to stop such things from occurring.

On April 30, 1971, the National Indian Youth Council chapter at the BIA's Intermountain boarding school in Brigham City, Utah, filed suit against the school, alleging 20 violations of the civil rights of Intermountain students, at least one routine practice of physical mistreatment, and overall dereliction of duty on the part of Intermountain's administrators.

Among the allegations in the suit were that:

- Intermountain allows Thorazine, a powerful tranquilizing drug, to be used on intoxicated students without the informed consent of the students or their parents and in contradiction to established medical practices;
- Intermountain employees frequently require students to open personal mail in the presence of the employees so that it can be inspected;
- The predominantly Mormon staff at Intermountain discourages the practice of native Navajo religions in favor of the Mormon religion;
- School officials open and examine the luggage of students returning to campus, sometimes even in such public places as the Brigham City bus station;
- Students who try to resist such practices are harassed and intimidated.

The story of what happened at Intermountain between the BIA memo of 1967 and the NIYC suit of 1971 is discouraging to many Indians who would like to see Intermountain improved. For during those four years numerous formal grievance petitions, continuous protest, and even a riot failed to have any significant impact on Intermountain's policies.

The riot occurred in the spring of 1969 after a basketball game in the Intermountain gymnasium. Brigham City experienced a power failure, which plunged the campus into darkness. Groups of students began to yell and run around, and there were incidents of window smashing and property damage.

Intermountain's superintendent, Wilma Victor, sent a letter to Navajo parents assuring them that newspaper reports had blown the incident out of proportion and that no basic discontentment afflicted the student body.

Several months earlier, however, a Navajo investigating committee had concluded quite the opposite. "Student morale is low," their report asserted. "A great many acts of vandalism have occurred during the past two months. . . . Some of the students drink quite heavily. . . ." The Navajo committee recommended, above all, stricter discipline by the Intermountain staff and the hiring of more Navajo instructional aides who could communicate more effectively with the students.

Many critics of Intermountain thought the report was shallow in its recommendations, but they were also convinced that the BIA's response was glib at best. "First let me say that we appreciate this group going up there and looking at the school," BIA area director Graham Holmes told a Feb. 6, 1969, meeting of the Navajo tribal council. "We are not trying to evade anything. We have problems there like we told you the other day. There are problems all over the country. . . . But we are constantly trying new things and trying to devise ways and means of operating a better school to better educate the children. We don't make very many apologies; we don't have to apologize for that school because we think it is an excellent school. . . . [But] we have noted very carefully your recommendations and the things you found wrong. We will get up there and we'll talk with the supervisors there. . . . So always feel free to tell us what is wrong with the school anytime you can find it out and we assure you that we will take note of it."

Significantly, Holmes promised nothing. "And that's exactly what was delivered," adds Doug Sakiestewa, an official of Amerind Inc., an Indian civil rights organization, which formed a chapter at Intermountain. "Nothing has ever really changed at Intermountain, although our chapter up there has tried."

Beginning in November, 1969, reports of administrative neglect, brutality toward Indian students, harassment of those who criticized school policy, and discrimination against Indian employees began filtering into the offices of Amerind in Albuquerque and the Navajos' Legal Services program in Window Rock, Ariz., known as DNA. (The percentage of Indian employees at the school plummeted from 70 per cent when the school was founded after World War II to about 30 per cent in 1971. Most of the Indians were in low-level jobs; most of the supervisors were white; and most of the whites were Mormons from the Brigham City area.)

From late 1969 until August, 1970, Amerind and DNA conducted extensive investigations into conditions at Intermountain and concluded that many of the charges were valid. On June 20, 1970, aggrieved employees and other concerned Indians met with Intermountain Supt. Wilma Victor and BIA officials. On June 23, 1970, the same group submitted a letter of grievances to BIA Commissioner Louis Bruce. Followup meetings were held on July 8 and on Sept. 3. On Sept. 17, the BIA responded.

Nestled within the general assurances of continued progress were a few specific pledges, among them that the Navajos' Interagency School Board would be given real power over the operation of the school and that a Navajo consulting committee would be set up and its recommendations acted upon.

According to DNA attorney Dan Press, however, the consulting committee was ignored. Press, who conducted much of DNA's investigation into Intermountain, pointed out that in the 1970-71 school year the Intermountain guidance staff was reorganized—a recommendation of the consulting committee—but in a way that the committee found completely unacceptable.

And, more important, in the fall of 1970, the BIA made its attitude unmistakably clear. Wilma Victor, who had been superintendent when the controversy at Intermountain peaked, was removed. Her critics would have been delighted except for one thing: she was promoted to acting director of education for the entire BIA. In addition, the Navajos' Interagency school board recommended that she be replaced by a Navajo, but the BIA responded by appointing Faralee Spell, who is white.

Although Mrs. Spell's critics charge that she was able to change very little at Intermountain, most people agree that Miss Victor has managed to change a great deal in Washington. In March of this year, Interior Secretary Rogers Morton promoted her again—this time making her his special assistant for Indian affairs with power to advise him on the whole range of U. S. Indian policy.

Miss Victor's appointment came at a time of almost chaotic conflict within the BIA. Commissioner Bruce had brought in a number of youthful Indian activists and had put them in key positions within the bureau. They had pushed hard for about a year, and many old-line bureaucrats had begun to fear losing their own influence if not their jobs. They began to fight back, and Wilma Victor quickly aligned herself with their fight.

Her most significant victory came in July when she persuaded Secretary Morton to appoint her friend, John O. Crow, a Cherokee from Oklahoma, as the new deputy commissioner of Indian affairs. In addition, Morton surprisingly gave Crow the authority to exercise any powers given to Commissioner Bruce.

Crow responded immediately. First, he put white supervisors over the young Indians brought in by Bruce, and secondly he took steps to demote William Veeder, the BIA's foremost expert on Indian land and water rights. The Veeder episode is not over at this writing, but the direction of John Crow and Wilma Victor has been made clear.

Less clear is the direction of recent events at Intermountain. Early in 1971, the burden of protest was taken over by Intermountain's National Indian Youth Council chapter. Initial support for NIYC appears to have been strong at first among the student body, and Intermountain's supervisory guidance counselor, Sherman Nay, says the school allowed the student body to make up its own mind.

NIYC members, however, tell the story differently. They say that Intermountain teachers took class time to tell their students that NIYC is a Communist agency (it is funded in part by the BIA) and to warn students against associating with it in any way. Evelyn Reeder, an NIYC leader, was removed from the list of valedictorian candidates even though she had the highest scholastic average in the graduating class. She says various school officials began telling her that she was sick and in urgent need of psychiatric attention.

In the last issue of *Race Relations Reporter*, staff writer Frye Gaillard examined the problems at the Bureau of Indians Affairs' Intermountain Boarding School up through the 1970-71 school year. In this issue, he reviews the protest against those problems, the BIA's response, and the prospects for the 1971-72 school year.

Convinced by late spring that nothing would change at Intermountain, NIYC hired Richard Young, a skilled attorney and law professor at the University of Utah. They filed suit on April 30, asking that Intermountain be closed.

Although the BIA has asked that the suit be dismissed, the agency's new director of education, James Hawkins, conceded in May that the students might be better off if the school were closed. Tom Oxendine, a BIA spokesman, says Intermountain will be phased out (at least in its present form), but he declines to say when.

In the meantime, the BIA has promised once more to try to make Intermountain livable. The difficult task has fallen to Jerry Jager, the school's new superintendent. Jager came to his post this summer, and even some staunch critics of the school find him to be a man of convincing decency and apparent sincerity. But because of events in recent years, they still remain skeptical.

Jager says he expects skepticism and concedes that "I won't please everybody." Although he is new to the job and is still studying the situation, he does offer some concrete promises for change. At present, he told RRIC, he is reorganizing the staff so that there will be no one between himself and the people who actually work with the students. There have been complaints in the past that high-level administrators at Intermountain have been out of touch with students, teachers and instructional aides, and Jager says he thinks that was one of the key problems.

In addition to the reorganization, Jager has promised to try to increase the number of Indian employees at the school and to end job discrimination. "I don't know the extent of discrimination in the past," he says, "but we will hire as many Indians as we can."

Jager says there will be no more handcuffing or headshaving to punish students. "There is no place for these practices at Intermountain or any other school," he told RRIC. "They will not occur."

He did not rule out the use of Thorazine on students who are drunk and unruly, but he pointed out that the courts presumably will rule on the legality of the practice in connection with the NIYC suit. If the legality is upheld, he said, Thorazine will be used only as a last resort and will be administered only by Public Health Service doctors.

"But more important than that," he added, "we want

to shift the focus from controlling the kids to working with them. We are greatly expanding our Alcohol Rehabilitation Program, and we hope it will do a better job of dealing with the root causes of the use of alcohol. We hope the students will accept the program."

Concerning complaints by older Intermountain students that their conduct is too severely regulated, Jager said, "I agree with them." He said that in the past students were assigned to dormitories without regard to their age, and that as a result, restrictions which made sense when applied to younger students were also applied to older ones. "This year," he said, "we are going to put upper classmen in their own dorms where they will have additional privileges and greater responsibilities."

Basically, Jager maintains, "I am trying to get across to our staff the idea that we treat our students like we would want to be treated ourselves." The superintendent admits that the idea is foreign to some of the staff members, and he says, "it will take some time to get it across. But we will have training programs for the staff throughout the entire year, and we expect that they will pay off."

In addition, Jager specifically repudiated statements in the BIA's booklet, "Questions Commonly Asked About Intermountain School," about how Intermountain is in business to change the Navajos' way of life. "Our purpose is not to change students," he said. "We are in business to make them aware of other cultures and to help them think creatively about the task of living in two cultures. To do this, we need to get more and more into Indian history, Navajo history, Navajo government and Indian psychology. I don't know exactly what they have done in the past in this area, but we will need more and more Indian teachers to expand the course offerings. In the meantime, we have no choice but to rely on teachers of another race."

Jager says he believes Intermountain will remain in its present form for "quite some time" unless the courts shut it down. He says he believes it should be closed as soon as there are enough schools on the Navajo reservation to carry the load, "but school construction down there is rather slow." Meanwhile, he says, he hopes things can be improved.

Jager's task will not be easy, for his staff still consists of people who have discriminated against Indians in the past. The school is still in Brigham City where many Indian students say discrimination abounds. And many students and Indian employees are very suspicious of promises.

"We have seen people of good intentions get crushed before," says NIYC's Gerald Wilkinson. And Peterson Zah, a Navajo leader in DNA, says he seriously doubts whether Intermountain or any other Navajo schools will get any better until the Navajos genuinely control them.

Red Tape Hinders Minority Farmers

By Bernard E. Garnett

One of the major causes of the problems confronting non-white farmers and farm laborers is the bureaucratic complexity of the governmental agencies created to help farmers. At the federal level, the problem is one of coordination within agencies and between agencies. The situation is complicated further by the separate jurisdiction of federal and state agricultural agencies.

The U. S. Department of Agriculture (USDA), is a complex structure that at times appears to thrive on the complicated. USDA agencies and programs often overlap with one another, and with some agencies and programs in other departments. What logically would appear to be a USDA matter to the layman actually may be the province of any other agency, due to the slightest technicality.

Along with the intradepartmental and interdepartmental confusion, there is the relation between USDA in Washington and USDA in various states and localities. Often, in keeping with the concept of a "federal" government, the congressional acts that created many USDA programs also granted powers to state governments over which Washington has little or no control, barring new legislation. Many times, this has worked to the disadvantage of black farmers in the South, where state governments often have been openly and unabashedly hostile to black progress. The same holds true in Southwestern states in regard to Mexican-Americans.

Selection of land-grant colleges to administer the USDA's Extension Service (ES) programs is one example. The Smith-Lever Act of 1914, which created the Extension Service, also empowered each state to select a land-grant college to handle its program. Prior to passage of the Civil Rights Act of 1964, most Southern states maintained racially separate Extension Service programs, with black land-grant institutions administering to black farmers.

The civil rights bill required integration of ES. In each case, the state gave ultimate control to a white institution, and in many cases, blacks who had been top administrators under segregation became "assistants" and "deputies" to whites. Suits pending in Mississippi and Alabama charge racial bias in virtually every phase of the Extension Service programs in those states.

But along with the USDA bureaucracy and red tape, which serve to make the shortest distance between two points a maze, there is the suspicion among agricultural reformers, that neither USDA, the rest of federal and state government, nor big business really cares about the plight of the rural poor.

If these agencies were more concerned, these critics contend, officials in Washington would evoke and enforce the numerous equality measures to protect black farmers against recalcitrant state governments. The U. S. Defense Department's purchase of grapes and lettuce, seemingly in deliberate opposition of UFWOC-initiated boycotts, is proof to many migrant farm activists of governments' real intentions.

Farmers' associations seem to reinforce these negative opinions by posting stiff resistance to significant reform measures. This has been especially true in recent years in several Western states, where state legislatures—usually at the behest of growers' organizations—have considered anti-strike and anti-boycott measures, which would deprive UFWOC activists of their most effective weapons against recalcitrant farm operators.

Get-tough measures often seem to pass more easily than measures granting agricultural workers the same benefits and privileges as workers in other industries—something migrant workers do not enjoy while laboring in several states. Manuel Martinez, a UFWOC lettuce strike worker in the fertile San Luis Valley of Colorado, watches apparent "trends" of governments and concludes, "They [governments] don't give a damn about *mohados* ["wetbacks," the Chicanos' term for illegal aliens who undercut striking migrant laborers on the farms]. They don't give a damn about health care. All they're worried about is satisfying the growers."

Though some agriculture critics suggest in private that powerful state politicians may intimidate Washington from helping non-white rural residents to the degree necessary, very few are willing to go on record. But Dr. James M. Pierce, director of the National Sharecroppers Fund, in Washington, did hint as much in a recently published, hard-hitting, 12-page study of agriculture and minority groups.

"A suit brought by the California Rural Legal Assistance (CRLA)," Pierce noted, "charges that the Farm Labor Services offices in that state serve to depress wages and working conditions, primarily through the device of referring a surplus of workers to growers who violate minimum wage and health laws. CRLA, one of the few federally funded efforts that have the interests of farm workers, was in grave danger in 1970, as big growers and Gov. Ronald Reagan of California pressured a wavering Administration in Washington to cancel the program."

In a private conversation, a USDA official in Washington all but admitted that department programs are geared to large farm operations. Asked about oft-repeated charges that USDA programs help wealthy landowners get wealthier, the official replied, "Well, everything is getting mechanized and bigger. That's what the farm of the future is all about." He declined to elaborate and asked that his identity not be revealed.

Often, public concern brings about changes. But until fairly recently, the public was not aware of the agriculture and minority groups situation. The attention focused on rural problems has not matched that paid to cities.

None of the Congressional Black Caucus's 60 recommendations to President Richard Nixon dealt specifically with agricultural issues, and Rep. Shirley Chisholm, a Black Caucus member, turned down a seat on the House Agriculture Committee because she did not see how she could relate to her strictly urban constituency.

Sen. George S. McGovern, a member of the Senate Agriculture and Forestry Committee, has been a constant champion for increased benefits to the rural poor. But even he obviously has been unaware of the plight of small—especially non-white—farmers and farm laborers. Even he has not fought specifically for small farmers or for regulations governing large-grower/laborer relationships.

Yet, the U. S. Department of Agriculture is the fourth largest federal institution. It employs some 85,000 to 125,000 (the latter figure, according to the National Sharecroppers Fund), and its fiscal 1971 appropriation was $7.8 billion. (According to Dr. Pierce, almost one-fourth of that amount went to subsidize the largest growers, in 1970.) Most impoverished rural residents migrate to urban areas in search of economic opportunity. With its numerous farmers' aid, subsidy, food and nutrition (including food stamps and food donations to welfare clients) and other programs, USDA affects every citizen of the United States.

Since the mid-1960's, promotions of non-whites (especially blacks) to top-level decision-making USDA jobs have increased. Also since that time, benefits to low-income rural residents have increased. Yet, blacks' criticisms of Extension Service, Farmers Home Administration, Agricultural Stabilization and Conservation Service and other agencies abound. Several big city mayors were rankled earlier this summer, by planned cutbacks in lunch programs.

According to the National Sharecroppers Fund, Farmers Home Administration loans to black farmers average half the amount awarded whites. Rural housing and other programs especially designed to help eliminate rural poverty don't seem to be doing their jobs very effectively, critics charge. William Payne, a U. S. Commission on Civil Rights programs analyst, has charged, "Look at just about any agency of the Department of Agriculture, and you'll find something [racially] wrong."

Sweeping reform legislation does not appear to be forthcoming from Congress any time soon. Both the Senate Agriculture and Forestry, and the House Agriculture committees are dominated by Southern Democrats with records for opposing civil rights and other "liberal" legislation and "mid-America" Republicans. According to critics, they often form coalitions that prove effective against progressive agricultural legislation.

McGovern, according to Capitol Hill observers, has tried to push reform measures through other committees, or to tack them on to other agricultural bills, as amendments, so that they would not be defeated before reaching the Senate floor.

A check with the Committee staffs indicated that in recent years, at least, no reform-type measure has been introduced. Personnel in both offices said various other committees would be more responsible for this type of legislation. The House Education and Labor Committee deals with problems concerning the poor, including the rural poor, according to a House Agriculture Committee staffer.

With this article, RRIC staff writer Bernard Garnett concludes a three-part series on the problems that exist for blacks and other minorities who engage in agriculture—either as farm operators or as laborers. In the first article, Garnett examined charges of racial discrimination in the administration of the U. S. Department of Agriculture (*Race Relations Reporter*, Vol. 2, No. 13: July 19). The second article reported on the living and working conditions among non-white farm laborers—especially Chicanos (*RRR*, Vol. 2, No. 14: Aug. 2). Garnett concludes the series with a report on the response of federal and state governments to the problems of the minority farmer.

While there is little evidence of agricultural reform activity in Washington, several state capitals have had to grapple with the migrant farm labor problem in the past two years. Following final settlement of the long and bitter dispute with grape growers, migrant labor representatives in UFWOC now are seeking higher wages, improved living conditions, and benefits from practically every agricultural employer in the West. The secondary boycott often is considered, and there have been some harvest-time strikes.

State legislators have been spurred by farmers' associations to pass anti-strike and anti-boycott measures. In Colorado, such a bill was proposed last spring. It failed to pass, as UFWOC officials feared it would, and the problem was referred to an Interim Committee. In Washington State, only eleventh-hour maneuvering by two sympathetic legislators averted passage of an anti-strike measure that growers supported, but UFWOC leaders and sympathizers are not so optimistic about the future.

Slight progress has been made in Florida, where an unseasonal hard freeze destroyed crops (and migrant farm laborers' chief source of income) last winter. State Sen. Lee Weissenborn of Miami, chairman of the state's Joint Legislative Commission on Migrant Labor (created last year), introduced workmen's compensation, safety protection, child labor and camp sanitation measures. Once again, growers balked.

The workmen's compensation measure was passed as one that would include agricultural workers, for the first time. But the new act also is unsatisfactory to many. Migrant commission legal aid Dorsey Henderson commented to RRR, "We're not so sure that it covers anybody, at this point." The crew-chief measure, which requires that workers be protected by insurance on the trucks transporting them between work camps and the fields and that they be given wage deduction statements, also passed.

The sanitation bill was endorsed by the committee but has yet to reach the main legislative body, and the migrant child-labor proposal was defeated, even though revampment of all of Florida's child labor regulations is now under study by a committee.

Mississippi Blacks Criticize Mitchell

By Jack E. White, Jr.

During hearings before the House Civil Rights Oversight Subcommittee in May, Rep. John Conyers Jr. (D-Mich.) had this exchange about the Voting Rights Act with David L. Norman, assistant attorney general for civil rights.

Conyers: Does the attorney general of the United States support section five?

Norman: Yes.

Conyers: When did he start doing it?

Rep. Conyers's question is one that has been on the minds of civil rights activists, black political candidates and many black Mississippians all this year. And while they have received assurances that the U. S. Department of Justice not only supports, but is vigorously enforcing the Voting Rights Act, they remain as skeptical as the Michigan congressman.

Having followed Attorney General Mitchell's succinct advice—"look at what we do, not what we say"—blacks have concluded that the administration is attempting to repeal administratively the strongest provisions of the law.

"My only version of it," Charles Evers, black candidate for the Mississippi governorship, said of Mitchell's record on black voting rights, "is that the man is just not concerned about the full, overall participation of Americans in the political process." Evers's feelings are widely shared.

What has led Evers and other blacks to this gloomy conclusion is the administration's record of delay and inaction in enforcing section five, which remains in effect despite the vigorous opposition of the administration when the Voting Rights Act came up for renewal early last year.

> *Section five provides that whenever a state or smaller jurisdiction covered by the act amends its voting procedures, it must submit the changes in advance to the U. S. District Court for the District of Columbia or the U. S. Attorney General for a determination that the proposed changes are not discriminatory in intent or effect. Section five obviously has an inhibiting effect on jurisdictions which, for whatever reason, want to enact regulations that dilute black voting strength or prevent blacks from voting.*

And the vote—as every graduate of high school civics knows—is the key to citizenship. Not only does it make possible the election of black officials, but it is the prerequisite to every facet of the political process. No one but registered voters, for instance, can serve on criminal or civil juries.

The importance of section five, then, to the political empowerment of blacks in the seven Southern states covered by the Voting Rights Act (Alabama, Georgia, Mississippi, Louisiana, North Carolina, South Carolina and Virginia) can not be overestimated. For it requires jurisdictions to prove—in advance—that changes in voting and election procedures were not discriminatory, and that is no easy task.

The act was passed in 1965, when the civil rights movement was at its highest pitch. Black heads had been cracked at a bridge in Selma, Ala. Young white and black voter registration workers had been killed. A racial crisis was imminent. In this atmosphere, Pres. Lyndon B. Johnson pledged that "we shall overcome," and the bill was passed.

Along with section five, the law contained strict provisions that prohibited poll taxes, literacy tests and other devices that had been used to keep black people from registering to vote. It also contained a provision enabling the attorney general to send federal voter registrars from the U. S. Civil Service Commission to jurisdictions where voter discrimination had occurred.

In the ensuing years, more than one million Southern blacks were able to register to vote for the first time, becoming a potent political force for change. In Mississippi, black registration jumped from about 20,000 to 275,000 by 1970.

Yet—or perhaps because of that increased registration—the Nixon administration, when the act came up for renewal early last year, proposed a substitute bill that did not provide for the re-inclusion of section five. Instead, Attorney General Mitchell proposed, the Justice Department would decide which changes were discriminatory in intent and then go to court to stop them.

> *His defense of dropping section five was that, should the act be made nationwide in effect as he had proposed, "it would be difficult for the Civil Rights Division of the Department of Justice to screen every voting change in every county of the nation," and that "even in the seven covered states officials who wish to pass discriminatory laws do not submit them in advance to the Justice Department. They put them into effect and require the Justice Department to discover them and bring suit."*

The Congress did not swallow Mitchell's arguments, and instead, with the encouragement of civil rights organizations, passed a five-year extension of the law, leaving it with all its provisions intact. Since the renewal of the act, however, the air has been filled with charges that the administration has been trying to achieve, through inaction, what it was not able to achieve in Congress, through lobbying and pressure.

The Nixon Justice Department, civil rights activists and attorneys charge, failed to live up to its responsibilities under the Voting Rights Act, and has thereby contributed to denying black voters their rights. The failure of the department, the administration's opponents say, has not come through overt opposition to black rights, but through failure to vigorously take action when and where it should have.

They point, for instance, to the Department's failure to require Mississippi counties to submit "re-registration" plans for approval prior to their enactment, as is required by section five. Such re-registration plans, now in effect in some 29 Mississippi counties, wiped clean the registration books and required all voters to get back on them again. This obviously works against the interests of blacks, who, for various reasons, chief among them intimidation, are extremely difficult to get registered.

As shown in a letter from David Norman to Rep. Don Edwards (D-Cal.), chairman of the Civil Rights Oversight Subcommittee, only one of the proposed re-registration plans was submitted prior to approval. Others were allowed to continue for periods over one year before receiving Justice Department approval. So far, six of the plans have been approved, and in only one case has the attorney general filed an objection.

The Justice Department did not disapprove these plans, or take legal action against the instigators, despite specific authorization in section 12 of the Voting Rights Act. That section reads, in part:

> *"Whenever any person has engaged in or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11 . . . the Attorney General may institute for the United States, or in the name of the United States an action for preventive relief. . . ."*

By not actively opposing re-registration plans, the activists say, the Justice Department in effect negated five years of hard work in getting blacks registered in the first place. And while the number of black registered voters is probably near what it was before the re-registrations were begun, it is certainly not higher.

Another instance of Justice Department inaction, the activists say, was on the so-called "open primary law." This act, apparently passed in fear that Evers might somehow manage to win the governorship with a plurality of votes, would have replaced Mississippi's present system of Democratic and Republican primaries with an "open primary" in which all candidates would have to run.

The two top finishers in the primary, then, would be on the ballot in the general election, and since well over half of Mississippi's voters are white, no black candidate would have a chance of winning statewide office.

The "open primary act" was submitted to the attorney general after its enactment, but, in the words of George P. Taylor, a white civil rights attorney in Jackson, Mitchell "just couldn't make up his mind" whether the law was discriminatory or not in its effect.

Taylor, who heads the Jackson office of the Lawyers Committee for Civil Rights Under Law, took the case before a three-judge federal court in Biloxi, and in April the court ruled. Mitchell, the court said, had followed a "Pilate-like," "obtuse" and illegal course in failing to decide whether the "open primary" could or couldn't go into effect. The court ruled that until the attorney general could make up his mind, the "open primary" was unenforceable.

It was a victory for Charles Evers and other black candidates in Mississippi, who won despite the Justice Department.

Taylor and other civil rights attorneys complain that the Justice Department's failure to act on the "open primary" case, and in numerous other cases involving re-registration and re-districting, has kept them from handling other important civil rights suits.

> *"I have to turn down at least five cases a week," Taylor said in an interview, "because I'm so damned busy doing the Justice Department's work for it." The Lawyers Committee has filed, along with the open primary case, re-districting suits in Adams, Issaquena, Oktibbeha, and Hinds counties this year alone. They also plan to file a case challenging the state legislative apportionment sometime later this year. Justice has done little or nothing in these cases. In the Hinds County case, for instance, the department entered an objection to a proposed supervisorial redistricting plan—after weeks of delay. The county, however, was permitted to go ahead with an election based on the unapproved districts, and no court action has yet been taken by the Justice Department.*

All this work, Taylor said, prevents him from handling the less glamorous, but equally important cases involving black people who run afoul of Mississippi justice—such as that of a black youth charged with raping a white woman in Carroll County. Another cause for complaint is the department's delay in sending federal voter registrars into counties where there have been constant requests that such action be taken.